A valuable feature of the book is its reprint of all the most important acts of parliament relating to the subject, beginning with Ch. 27 of 22 Geo. 2 and closing with Ch. 22 of 1st Ed. 7. The last named statute is known as The Factory and Workshop Act of 1901; a law which regulates with great minuteness the sanitary condition of factories and workshops, as well as the treatment of servants by masters. The statutes reprinted in the Appendix fill two hundred and eighty-five pages.

As the editor of this volume is the son of the author and was associated with him in the preparation of the fourth edition, the reader may feel assured that nothing of importance has been omitted from previous editions, and that the plan of the author has not been marred by unnecessary and discordant changes. The volume is a fine specimen of the bookmaker's art. If an American reprint appears, let us hope it will equal the English original.

THE RIGHT TO AND THE CAUSE FOR ACTION. By Hiram L. Sibley. Cincinnati: W. H. Anderson & Co. 1902. pp. xxxii, 141.

This book is an effort to demonstrate two propositions, First: That the "right to action" is wholly independent of the substantive law, and has as its essential elements "(1) the existence of a legal wrong, and (2) that part of the law which provides the means for its redress." Second. That the wrong or *delict* is not merely one of the elements of a cause of action, but is the only cause for action, the right as defined by the substantive law being, as the author states, "related to the wrong only as a condition to the existence of the latter." Or stated in other words an attempt is made to show the falsity of the generally accepted view as to what constitutes a "cause of action," and which perhaps, has nowhere been more clearly stated than by the late Professor Pomeroy.[1] According to this view, "the primary right and duty and the delict or wrong combined constitute the cause of action in the legal sense of the term." The demonstration of these propositions does not appear to have been accomplished, and it is not likely that Judge Sibley's work will cause any great number to abandon what he designates as the "Pomeroy idea."

The author believes he finds support for his views in legal principles, in adjudged cases, and in precedents of pleadings; but it is doubtful if many careful readers will find the same support for these views in the quotations made and cases cited. The limits of this review prevent any exhaustive statement of the reasons which lead to the conclusions above expressed, but a few of them ought in fairness to be indicated. Great stress is laid upon cases under the Statute of Limitations, deciding when the cause of action arose, that is whether the action was or was not barred by the statute, the contention being that these cases must decide what the cause is, and further, that, because sometimes in the course of the argument, judges refer to the wrong or misconduct of the defendant as the cause of action, we have a judicial determination that the wrong is the sole cause of action.

In answer to this contention it should be noted, first, that the question before the court and decided is "when" the cause of action arose, not what constitutes a cause of action; second, that the advo-

[1] Code Remedies. 3rd Edition. pp. 511 *et seq.*

cates of the "Pomeroy idea" fully recognize "the wrong" as one of the necessary elements of a cause of action, that therefore, no cause of action can arise, until that element is present, any more than it can exist, if the other element, the primary right on the part of the plaintiff, is lacking, and that a determination that a cause of action did not arise until the element of the wrong is present is not a determination that there is no other element; and third, that the very cases he cites show that the only reason why the precise act which in the several actions started the statute running was held to be a wrong, was because the pleadings stated facts, which showed that the plaintiff had the primary right to have that act performed by the defendant at that time. As against the Minnesota case cited at page 71, holding that injuries to the person and property of a party by a single wrongful act constitute but one cause of action, may be cited the very recent case to the contrary, Reilly *v.* Sicilian Asphalt Paving Co.,[1] following Brunsden *v.* Humphrey.[2] As to precedents given on pages 88 *et seq.* it need only be said that every one of them contains allegations showing plaintiff's primary right, and that if those were stricken out from any complaint no court would sustain the pleading as setting forth a cause of action.

If space permitted, there would be no difficulty in citing numerous instances where judges have adopted with approval the view advocated by Prof. Pomeroy, often using his exact language, and have applied the test which he proposed in deciding whether or not a "cause of action" existed. As to the proposed substitution of the words "cause for action" for "cause of action," it is difficult to see any reason for the substitution; and even if there were such reason, the change could not be effected, as it seems practically impossible to make any change of this character in legal terminology.

CRIME AND SOCIAL PROGRESS. By A. C. Hall. The Columbia University Press. The Macmillan Co., Agents. New York. 1902. pp. xvii, 407.

Crime and Social Progress, by Dr. A. C. Hall, is a careful study of the history and growth of crime. The book is a study of the relation of crime to social progress. The keynote of the work is that crime is an anti-social act and its increase and prevalence depend upon social progress. What is crime at one period was not such at an earlier one, because it was not regarded as anti-social. Crime as measured by statistics is most prevalent among the most enlightened nations and least so among the decadent ones. Quickened industrial life necessitates restrictions, and the breaking over these constitutes crime. Statistics may not reveal the amount of real crime.

The book studies the relation of crime to social progress in two phases—first, the evolutionary function and usefulness of crime and punishment, and secondly, as a social product, increasing with the increase of social prohibitions. The production of crime is one of the saving processes of nature, eliminating individuals and elevating the type. Crime is defined as any act or omission to act punished by society as a crime against itself. The essentials of crime are two: First, it must be an act that society abhors or desires to punish

[1] 170 N. Y. 40. [2] L. R. (14 Q. B. D.) 141.